

ORIGINAL

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FILED

08 MAY 14 PM 3:51

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

cf

DEPUTY

6 Attorney for Defendant
7 SEPRACOR INC. (erroneously sued as Sepracor, Inc.)

8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 AMY SHERLOCK, an individual,

) Case No. 08 CV 0865 WQH(POR)

12 Plaintiff,

) [Removed from State Court
13 vs.
14 Case No.: 37-2008-00081814-CU-WT-CTL]

15 SEPRACOR, INC.; and DOES 1 TO 50,
16 inclusive,

) DEFENDANT SEPRACOR INC.'S
17 Defendants.) NOTICE OF REMOVAL OF ACTION TO
vs.) THE UNITED STATES DISTRICT
18) COURT OF THE SOUTHERN DISTRICT
19) OF CALIFORNIA
20) (Diversity Jurisdiction)
21) COMPLAINT FILED: 4/14/08

22 TO PLAINTIFF AMY SHERLOCK, AND THE CLERK OF THE ABOVE-
23 ENTITLED COURT:

24 PLEASE TAKE NOTICE that Defendant Sepracor Inc. ("Sepracor") ("Defendant")
25 hereby removes the above-referenced action of plaintiff Amy Sherlock ("Plaintiff") from the
26 San Diego Superior Court to the United States District Court for the Southern District of
27 California pursuant to 28 U.S.C. §§ 1441 and 1446. In support of removal, Defendant states
28 as follows:

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PROCEDURAL HISTORY

2 1. On April 11, 2008, Plaintiff filed a Complaint in the Superior Court of the State
3 of California for the County of San Diego, entitled *Amy Sherlock v. Sepracor, Inc.; and DOES*
4 *1 to 50*, San Diego Superior Court Case No. 37-2008-00081814-CU-WT-CTL (the
5 “Complaint”). The Complaint alleges claims for (1) wrongful termination in violation of
6 public policy and (2) retaliation.

7 2. On or about April 14, 2008, Plaintiff served the Summons and Complaint on
8 Sepracor via personal service. A copy of the Summons and Complaint that were served on
9 Sepracor is attached to this Notice as **Exhibit A**.

10 3. Sepracor filed an Answer to the Complaint in San Diego Superior Court on
11 May 14, 2008. A copy of Sepracor's Answer is attached as **Exhibit B**. Plaintiff's Complaint
12 and Defendant's Answer are the only pleadings, process or orders that were served on
13 Sepracor.

TIMELINESS OF REMOVAL

15 ||| 4. Service of the Complaint upon Sepracor was effective on April 14, 2008.

16 5. This Notice of Removal is timely filed because it has been filed within 30 days
17 of receipt by proper service as required by 28 U.S.C. §1446(b).

BASIS FOR REMOVAL JURISDICTION

19 6. This Court has diversity jurisdiction over this action pursuant to 28 U.S.C.
20 §1332 because Plaintiff and Defendant are citizens of different states, no defendant is a citizen
21 of California, and the amount in controversy exceeds \$75,000 exclusive of interests and costs.
22 Accordingly, this case may be removed to this Court under 28 U.S.C. §§1441(a) and 1446(b).

A. Diversity of Citizenship

24 7. Plaintiff is a citizen of the state of California. Plaintiff currently resides in San
25 Diego, California and at all times relevant to the Complaint she resided and worked in San
26 Diego, California.

27 8. Sepracor is, and at all relevant times was a corporation organized and existing
28 under the laws of the State of Delaware with its principal place of business in Marlborough,

1 Massachusetts. See Declaration of Mark Wanda ("Wanda Decl.") attached hereto as **Exhibit**
2 **C**, at ¶¶3, 4. Accordingly, Sepracor is a citizen of Delaware and Massachusetts.¹

3 **B. Amount in Controversy**

4 9. The amount in controversy in this action exceeds the \$75,000 minimum
5 required by 28 U.S.C. § 1332(a). As Plaintiff alleges in the Complaint, she seeks to recover
6 lost wages, loss of employment benefits, and damage to earning capacity from September
7 2007 to the present. She also seeks general damages for pain and suffering, special damages,
8 and recovery for damage to reputation. Complaint, Exh. A, ¶¶ 5J, 10-13, 17-20; Prayer for
9 Relief.

10 10. In addition, Plaintiff seeks to recover her attorneys' fees.

11 11. Plaintiff also seeks to recover punitive damages to punish Sepracor for
12 Sepracor's alleged conduct.

13 12. For these reasons, the amount Plaintiff seeks to recover against Sepracor,
14 exclusive of interests and costs, exceeds the \$75,000 jurisdictional minimum of this Court.

15 **NOTICE PROVIDED TO STATE COURT**

16 13. Pursuant to 28 U.S.C. §1446(d), Sepracor served written notice of Removal to
17 Plaintiff and has filed a copy of this notice with the clerk of the Superior Court of California,
18 County of San Diego, from which this case was removed. A copy of the Notice of Filing
19 Petition for Removal is attached as **Exhibit D** and a copy of the Notice to Adverse Parties is
20 attached as **Exhibit E**.

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¹ The Complaint also names as Defendants DOES 1 through 50, inclusive ("Doe Defendants"). Pursuant to 28
28 U.S.C. § 1441(a), the citizenship of Doe Defendants is disregarded. For this reason, this Notice of Removal does
not discuss the citizenship of Doe Defendants.

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2 Thus, Sepracor respectfully requests that the above-mentioned litigation, now pending
3 before the Superior Court of the State of California, San Diego County, be removed to this
4 court based on diversity jurisdiction.

5

6

FISHER & PHILLIPS LLP

7

8 Dated: May 14, 2008

By: 
CHRISTOPHER C. HOFFMAN
MEGAN C. WINTER
Attorneys for Defendant
Sepracor Inc.

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SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
SEPRACOR, INC. AND DOES 1 THROUGH 50, INCLUSIVE

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
AMY SHERLOCK

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

F I L E D

Clerk of the Superior Court

APR 14 2008

By: _____ Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

San Diego Superior Court of California
330 West Broadway; San Diego, CA 92101

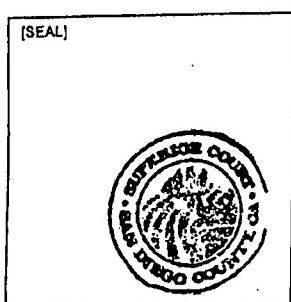
CASE NUMBER:
(Número del Caso): 37-2008-00081814-CU-WT-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Michael K. Newlee, Esq., 3990 Old Town Avenue, Suite 200A; San Diego, CA 92110

DATE: **APR 14 2008** Clerk, by _____ Deputy
(Fecha) (Secretario) **D. SMITH** (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served



1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

under:	<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
	<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
	<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
	<input type="checkbox"/> other (specify):	

4. by personal delivery on (date):

FILED
CIVIL BUSINESS OFFICE 14
CENTRAL DIVISION

1 Michael K. Newlee, Esq. (SBN 109713)
2 LAW OFFICE OF MICHAEL K. NEWLEE
3 3990 Old Town Avenue, Suite 200A
4 San Diego, California 92110
5 Telephone: (619) 291-9590
6 Facsimile: (619) 291-2866

03 APR 11 PM 2:19

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

5 Attorney for Plaintiff, AMY SHERLOCK

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 CENTRAL DIVISION

11 AMY SHERLOCK,) Case No.: 37-2008-00081814-CU-WT-CTL
12 Plaintiff,)
13 vs.) COMPLAINT FOR WRONGFUL TERMINATION
14 SEPRACOR, INC, and DOES 1 through 50,) IN VIOLATION OF PUBLIC POLICY(HOSTILE
15 Inclusive,) WORK ENVIRONMENT); RETALIATION
16 Defendants.)
17)
18)
19)

20 Plaintiff, AMY SHERLOCK, alleges as follows:

21 **FACTS COMMON TO ALL CAUSES OF ACTION**

22 1. At all times mentioned herein, Defendant SEPRACOR, INC. was a corporation
23 doing business in the County of San Diego, California.
24 2. Plaintiff is unaware of the names of Defendants sued as DOES 1 through
25 50, and therefore sues these defendants under fictitious names pursuant to CCP §474. Plaintiff
26 is informed and believes, and thereon alleges, that each person sued under this fictitious
27 designation was in some manner legally responsible for the damages as set forth below, and in
28 doing those things complained of was acting as the agent, servant, partner, and/or employee of

1 each of the co-defendants, and in doing the actions mentioned herein below, was acting under
2 the course and scope of his or her authority as such agent, servant, partner, and/or employee,
3 and with the permission and consent of each co-defendant.

4 3. Plaintiff was hired by Defendants, as a pharmaceutical sales representative in
5 March, 2006. At all times referenced herein, Plaintiff performed her job in an exemplary manner,
6 and solely for the benefit of Defendant Sepracor, Inc.;

7 4. From approximately November 2006 through and including September 2007
8 Plaintiff was subjected to a hostile work environment by other employees and managers at
9 Sepracor, Inc., including but not limited to her immediate supervisor, Julia Gawel and her co-
10 worker, John Lutters;

11 5. Among other things, Defendant Sepracor Inc., through Julia Gawel:

12 A. Forced Ms. Sherlock to do the work of a three person team by herself knowing she
13 had broken her back and was recovering from that broken back. Ms. Sherlock was informed that
14 she was expected to have the sales numbers of a three person team despite the fact that she
15 was only one person and had only recently been trained for the position;

16 B. Instructed Plaintiff through Julia Gawel at the behest and request of Sepracor, Inc.,
17 to spy on co-worker John Lutters in order to obtain enough information for Sepracor, Inc., to fire
18 Mr. Lutters. even though this conduct would be unethical, immoral, and illegal and known by
19 Sepracor to be so. Plaintiff was instructed that this conduct was part of her job and one of the
20 reasons she was hired as opposed to others who had applied for the position;

21 C. Paired Plaintiff with John Lutters at a time when Sepracor, Inc. knew or should have
22 known that Mr. Lutters had significant behavioral problems, including substance abuse and anger
23 management issues. Even though the territory where Plaintiff and Mr. Lutters worked was
24 supposed to be a three person territory, Plaintiff worked that territory with Mr. Lutters alone;

25 D. Forced Plaintiff to document Mr. Lutters' lack of dedication, diligence, and attention
26 to his job as one of the requirements of her current employment with Defendant;

27 E. Forced Plaintiff to continue to work with Mr. Letter's after Mr. Lutters sexually
28 harassed Plaintiff by making rude jokes concerning the size of his penis in the presence of clients

1 of the company;

2 F. Forced Plaintiff to continue to work with Mr. Lutters after Mr. Lutters threatened
3 physical violence against Plaintiff;

4 G. Forced Plaintiff to continue to work with Mr. Lutters after Plaintiff reported to the
5 company her own personal observations that Mr. Lutters was under the influence of stimulants
6 and/or rave drugs while at work in clients' offices which she was required to do under Defendant's
7 policies;

8 H. Transferred Plaintiff to an undesirable territory farther from her home and at
9 significant physical pain for Plaintiff because of her broken back after she requested that Mr.
10 Lutters be transferred;

11 I. Transferred Plaintiff to a less desirable territory to work with partners whom she had
12 specifically indicated she did not want to work with at the time of her hire. The partner, Vivane
13 Mason, had also requested that she not work with Plaintiff at the time of her hire. Nevertheless,
14 when Plaintiff requested that Mr. Lutters be transferred, the company placed these two
15 antagonists together;

16 J. Other and further acts of harassment including but not limited to being demeaned,
17 and belittled by her supervisor, human relations personnel, and her manager.

18 Due to the unrelenting negative actions taken against her by the company in spite of
19 Plaintiffs exemplary performance, Plaintiff became distressed, depressed, and exceedingly
20 stressed over her employment. Ultimately, she was advised to leave the company for the
21 preservation of her own health and she did so in September, 2007.

22 **FIRST CAUSE OF ACTION**

23 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**
HOSTILE WORK ENVIRONMENT

24 6. Plaintiff realleges and incorporates by reference all of the preceding allegations of
25 the Complaint as though set forth in full herein;

1 7. The allegations set forth in paragraphs 1 through 5 constitute a hostile
2 work environment. This hostile work environment was allowed to exist and perpetuated by both
3 the manager and the Defendant company itself, and ratified by those in a position to correct it.
4 Defendants' knew or should have known that by creating and perpetuating this hostile work
5 environment that persons similarly situated to Plaintiff could not be reasonably expected to work
6 in the environment and was done with the purpose of forcing Plaintiff to quit. Plaintiff, and any
7 reasonable person similarly situated to Plaintiff would have been unable to tolerate the hostile
8 work environment created. The hostile work environment directly caused Plaintiff to quit and thus
9 to be constructively terminated by the company;

10 8. Such wrongful discharge in violation of public policy was a substantial factor in
11 causing damages and injuries to Plaintiff as set forth below;

12 9. The policy of this state prohibits creation and perpetuation of a hostile work
13 environment. When Defendants created and perpetuated the hostile work environment directed
14 against Plaintiff and those similarly situated as her, and refused to correct or take steps to correct
15 the problem, they violated the public policy of this state. This violation also resulted in damages
16 and injury to Plaintiff as alleged herein;

17 10. As a further proximate result of Defendants willful, knowing and intentional creation
18 of a hostile work environment Plaintiff has suffered and will continue to suffer financial losses and
19 earnings and suffered damage to her earning capacity and lost other valuable employment
20 benefits;

21 11. As a further proximate result of the conduct of Defendants in creating and perpetuating
22 a hostile work environment, and in forcing Plaintiff to terminate her employment with Defendants,
23 Plaintiff has suffered and continues to suffer damage to her reputation as a pharmaceutical
24 representative in an amount according to proof.

25 12. As a further proximate result of the conduct of Defendants in creating and perpetuating
26 a hostile work environment and forcing Plaintiff to terminate her employment with Defendants,
27 Plaintiff has incurred and continues to incur legal expenses and attorneys fees and costs in an
28 amount according to proof at the time of trial.

13. Defendants conduct as described above in creating and perpetuating a hostile work environment was intentional, willful, malicious, oppressive and done with a conscious disregard of the rights of Plaintiff so as to entitle Plaintiff to punitive and exemplary damages in an amount sufficient to punish Defendants and make an example of them.

SECOND CAUSE OF ACTION

RETALIATION

14. Plaintiff re-alleges and incorporates by reference each and every allegation set forth in paragraphs 1 through 13, inclusive as if set forth in full.

10 15. The conduct set forth in Paragraph 5, subsections H, I, and J constitute
11 retaliation against Plaintiff by Defendant for Plaintiffs performance of the conduct set forth in
12 Paragraph 5, subsections A through G at the Defendants request and insistence. Plaintiff is
13 informed and believes and thereon alleges that Defendant took this retaliatory action against
14 Plaintiff in response to reports by made by John Lutters that Plaintiff was engaging in conduct
15 which, unbeknownst to Mr. Lutters, had been requested by the company as a way of trying to
16 appease Mr. Lutters.

17 16. The policy of this state prohibits retaliation against employees who report illegal,
18 immoral, and unethical acts, especially but not limited to acts such as those set forth in paragraph
19 5 of this complaint. When Defendants retaliated against Plaintiff through the actions of its
20 employees, and refused to correct or take steps to correct the problem, they violated the public
21 policy of this state. This violation also resulted in damages and injury to Plaintiff as alleged
22 herein;

23 17. As a further proximate result of Defendants willful, knowing and retaliation against
24 Plaintiff, Plaintiff has suffered and will continue to suffer financial losses and earnings and
25 suffered damage to her earning capacity and lost other valuable employment benefits;

26 18. As a further proximate result of the conduct of Defendants in retaliating against Plaintiff,
27 and in forcing Plaintiff to terminate her employment with Defendants, Plaintiff has suffered and
28 continues to suffer damage to her reputation as a pharmaceutical representative in an amount

1 | according to proof.

2 19. As a further proximate result of the conduct of Defendants retaliating against Plaintiff
3 and forcing Plaintiff to terminate her employment with Defendants, Plaintiff has incurred and
4 continues to incur legal expenses and attorneys fees and costs in an amount according to proof at
5 the time of trial.

6 20. Defendants conduct as described above retaliating against Plaintiff was intentional,
7 willful, malicious, oppressive and done with a conscious disregard of the rights of Plaintiff so as to
8 entitle Plaintiff to punitive and exemplary damages in an amount sufficient to punish Defendants
9 and make an example of them.

10 21. Attached as Exhibit "A" to this Complaint is Plaintiff's Right to Sue letter from the
11 DFEH.

Wherefore, Plaintiff prays damages against Defendants, and each of them, as follows:

- 13 1. General Damages according to proof at the time of trial;

14 2. Special Damages according to proof at the time of trial;

15 3. Lost wages and damage to earning capacity according to proof at the time of trial;

16 4. Attorneys fees according to proof at the time of trial;

17 5. Damage to reputation according to proof at the time of trial;

18 6. Punitive Damages according to proof at the time of trial;

19 7. Such other and further relief as the Court deems just and proper.

DATED: April 10, 2008

LAW OFFICES OF MICHAEL K. NEWLEE


By: _____

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICE

CY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1350 Front Street, Suite 3005 San Diego, CA 92101
(619) 645-2681 TTY (800) 700-2320 Fax (619) 645-2683
www.dfeh.ca.gov



March 28, 2008

AMY SHERLOCK
3990 Old Town Avenue Ste 200A
San Diego, CA 92110

RE: E200708D1255-00-sc
SHERLOCK/SEPRACOR INC.

Dear AMY SHERLOCK:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 17, 2008 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

"A"

Notice of Case Closure
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

Belinda LeDoux

Belinda LeDoux
District Administrator

cc: Case File

Director
Human Resources/Personnel
SEPRACOR INC.
84 Waterford Drive
Marlborough, MA 01752

DFEH-200-43 (06/06)

"A"

1 Christopher C. Hoffman, Bar No. 176334
2 Megan C. Winter, Bar No. 241429
3 FISHER & PHILLIPS LLP
4 4225 Executive Square, Suite 950
La Jolla, California 92037
Telephone: (858) 597-9600
Facsimile: (858) 597-9601

5 Attorneys for Defendant
SEPRACOR INC. (erroneously sued as Sepracor, Inc.)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – CENTRAL DIVISION**

AMY SHERLOCK.

Plaintiff,

vs.

SEPRACOR, INC.; and DOES 1 through 50 inclusive,

Defendants.

CASE NO.: 37-2008-00081814-CU-WT-CTL

Assigned to:
Dept.:

**DEFENDANT SEPRACOR INC.'S ANSWER TO
PLAINTIFF'S COMPLAINT**

Complaint filed: April 11, 2008

Defendant SEPRACOR INC (“Defendant”), for itself alone and for no other parties, responds to Plaintiff AMY SHERLOCK’s Complaint as follows:

ANSWER

Pursuant to California Code of Civil Procedure section 431.30, subdivision (d), Defendant generally denies each and every allegation and cause of action in Plaintiff's unverified Complaint.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's complaint, and each and every cause of action therein, fails to state facts sufficient to constitute any cause of action against Defendant.

SECOND AFFIRMATIVE DEFENSE

The acts of any other Defendants, including fictitiously named Does 1 through 50, of which

1 Plaintiff complains, were all undertaken outside the scope of their agency and/or employment with
2 Defendant and without the knowledge or consent of Defendant, and Defendant may not be held
3 liable for them.

4 **THIRD AFFIRMATIVE DEFENSE**

5 To the extent any of the acts alleged in the Complaint did occur, which Defendant denies,
6 they were done with the consent, full knowledge, and concurrence of Plaintiff.

7 **FOURTH AFFIRMATIVE DEFENSE**

8 Plaintiff's complaint, and each and every cause of action therein, is barred by the applicable
9 statute of limitations, including but not limited to: Code of Civil Procedure section 335.1,
10 subdivision (a), and California Government Code sections 12960 and 12965.

11 **FIFTH AFFIRMATIVE DEFENSE**

12 Plaintiff's claims are barred by Plaintiff's failure to exhaust administrative remedies and/or
13 internal grievance procedures.

14 **SIXTH AFFIRMATIVE DEFENSE**

15 To the extent Plaintiff suffered any symptoms of mental or emotional distress or injury, they
16 were the result of a pre-existing psychological disorder or alternative concurrent cause, and not the
17 result of any act or omission of Defendant.

18 **SEVENTH AFFIRMATIVE DEFENSE**

19 Plaintiff's claims are barred because her perception of conduct alleged to constitute
20 harassment was not reasonable.

21 **EIGHTH AFFIRMATIVE DEFENSE**

22 Plaintiff's claims are barred because alleged incidents of harassment were not sufficiently
23 severe or pervasive so as to alter the terms and conditions of Plaintiff's employment and create an
24 abusive work environment.

25 **NINTH AFFIRMATIVE DEFENSE**

26 Defendant exercised reasonable care to prevent and promptly correct any allegedly harassing
27 behavior.

28 ///

1 **TENTH AFFIRMATIVE DEFENSE**

2 Plaintiff unreasonably failed to take advantage of any preventive or corrective opportunities
3 provided by Defendant or to otherwise avoid harm.

4 **ELEVENTH AFFIRMATIVE DEFENSE**

5 Plaintiff's reasonable use of Defendant's procedures to prevent and/or correct the allegedly
6 harassing behavior would have been prevented all or some of the alleged harm she claims to have
7 suffered.

8 **TWELFTH AFFIRMATIVE DEFENSE**

9 Defendant did not authorize, direct, participate, ratify in any alleged discriminatory or
10 harassing behavior.

11 **THIRTEENTH AFFIRMATIVE DEFENSE**

12 Any recovery on Plaintiff's Complaint, or any purported cause of action alleged therein, is
13 barred in whole or in part by Plaintiff's failure to mitigate her damages.

14 **FOURTEENTH AFFIRMATIVE DEFENSE**

15 Any recovery on Plaintiff's Complaint or any purported cause of action alleged therein, is
16 barred in whole or in part by after-acquired evidence which independently justified Plaintiff's
17 separation of employment.

18 **FIFTEENTH AFFIRMATIVE DEFENSE**

19 Plaintiff is not entitled to recover punitive or exemplary damages from Defendant on the
20 grounds that any award of punitive or exemplary damages would violate Defendant's constitutional
21 rights under the Due Process Clauses of the Fifth and Fourteenth Amendments of the United States
22 Constitution.

23 **RESERVATION OF RIGHTS**

24 Plaintiff has failed to set out her claims with sufficient particularity to permit Defendant to
25 raise all appropriate defenses and, thus, Defendant reserves the right to add additional defenses when
26 Plaintiff's purported claims become known.

27 ///

28 ///

1 WHEREFORE, this answering Defendant prays as follows:

- 2 1. That Plaintiff take nothing by her Complaint for damages;
- 3 2. That Plaintiff's Complaint herein be dismissed in its entirety with prejudice;
- 4 3. That Defendant recover its costs of suit herein, including its reasonable attorneys'
- 5 fees; and
- 6 4. That the Court award such other and further relief as it deems appropriate.

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8 Date: May 14, 2008

9 FISHER & PHILLIPS LLP

10 By: 

11 CHRISTOPHER C. HOFFMAN
MEGAN C. WINTER
Attorneys for Defendant
Sepracor Inc.

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PROOF OF SERVICE
(C.C.P. § 1013(a) and § 2015.5)

3 STATE OF CALIFORNIA)
4 COUNTY OF SAN DIEGO)

I am employed in the County of San Diego, State of California. I am over the age of eighteen years and not a party to the within action. I am employed with the law offices of Fisher & Phillips LLP and my business address is 4225 Executive Square, Suite 950, La Jolla, California 92037.

7 On May 14, 2008, I caused the within document(s) entitled: **ANSWER OF SEPRACOR**
8 **INC. TO PLAINTIFF'S COMPLAINT FOR WRONGFUL TERMINATION IN VIOLATION**
9 **OF PUBLIC POLICY (HOSTILE WORK ENVIRONMENT); RETALIATION;** to be served
on all interested parties in this action by placing [] the original / *[X] a true copy* thereof, in a sealed
envelope addressed as follows:

10 Michael K. Newlee, Esq.
11 Law Office of Michael K. Newlee
12 3990 Old Town Avenue, Suite 200A
San Diego, CA 92110
619/291-2866 fax

Attorney for Plaintiff
Amy Sherlock

[X] **MAIL** - I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at La Jolla, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

FAX - I caused the document(s) listed above to be telefaxed to the aforementioned facsimile number(s).

The facsimile machine I used complied with California Rules of Court, Rule 2003(3) and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2005(i), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

[] **BY PERSONAL SERVICE** - Such envelope(s) were delivered by hand to the individuals listed above.

[X] **STATE** - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 14, 2008, at La Jolla, California.

lla, California.

1 Christopher C. Hoffman (CA Bar No.:176334)
2 choffman@laborlawyers.com
3 Megan C. Winter (CA Bar No.: 241429)
4 mwinter@laborlawyers.com
5 FISHER & PHILLIPS LLP
6 4225 Executive Square, Suite 950
7 La Jolla, California 92037
8 Telephone (858) 597-9600
9 Facsimile (858) 597-9601
10 Attorney for Defendant
11 SEPRACOR, INC.
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 AMY SHERLOCK, an individual,) Case No.:
12 Plaintiff,) [Removed from State Court
13 vs.) Case No.: 37-2008-00081814-CU-WT-CTL]
14 SEPRACOR, INC.; and DOES 1 TO 50,)
15 inclusive,) DECLARATION OF MARK WANDA IN
16 Defendants.) SUPPORT OF SEPRACOR INC.'S
17) NOTICE OF REMOVAL OF ACTION TO
18) THE UNITED STATES DISTRICT
19) COURT OF THE SOUTHERN DISTRICT
20) OF CALIFORNIA
21) (Diversity Jurisdiction)
22) COMPLAINT FILED: 4/14/08

I, Mark Wanda, declare as follows:

1. I am Deputy General Counsel for Defendant Sepracor, Inc. ("Sepracor"). I
2 have personal knowledge of the facts set forth herein and, if called as a witness, I could and
3 would competently testify thereto.

2. Plaintiff Amy Sherlock was employed by Sepracor in San Diego, California
3 from November 2006 – September 2007.

3. Sepracor's principal place of business is located Marlborough, Massachusetts.
4 The day-to-day management, administrative and executive functions of Sepracor are
5 performed out of the Massachusetts office.

4. Sepracor is currently and always has been a corporation organized and existing

DECLARATION OF MARK WANDA IN SUPPORT OF DEF. SEPRACOR, INC'S NOTICE OF REMOVAL

EXHIBIT C

1 under the laws of the State of Delaware.

2 5. Sepracor has never been a California corporation. Sepracor is simply
3 authorized to transact business in the State of California as a foreign corporation.

4 I declare under penalty of perjury under the laws of the state of Massachusetts that the
5 foregoing is true and correct.

6 Executed this 13th day of May 2008 at 1:40 pm.

7 
8 _____
9 Mark Wanda

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PROOF OF SERVICE
(C.C.P. § 1013(a) and § 2015.5)

3 STATE OF CALIFORNIA)
4 COUNTY OF SAN DIEGO)

I am employed in the County of San Diego, State of California. I am over the age of eighteen years and not a party to the within action. I am employed with the law offices of Fisher & Phillips LLP and my business address is 4225 Executive Square, Suite 950, La Jolla, California 92037.

On May 14, 2008, I caused the within document(s) entitled: **DECLARATION OF MARK WANDA IN SUPPORT OF SEPRACOR INC.'S NOTICE OF REMOVAL TO FEDERAL COURT**; to be served on all interested parties in this action by placing [] the original / *[X] a true copy* thereof, in a sealed envelope addressed as follows:

Michael K. Newlee, Esq.
Law Office of Michael K. Newlee
3990 Old Town Avenue, Suite 200A
San Diego, CA 92110
619/291-2866 fax

Attorney for Plaintiff
Amy Sherlock

[X] **MAIL** - I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at La Jolla, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

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STATE - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 14, 2008, at La Jolla, California.

Jolla, California.

1 Christopher C. Hoffman, Bar No. 176334
Megan C. Winter, Bar No. 241429

2 FISHER & PHILLIPS LLP
4225 Executive Square, Suite 950
3 San Diego, California 92037
Telephone: (858) 597-9600
4 Facsimile: (858) 597-9601

5 Attorneys for Defendant
SEPRACOR INC. (erroneously sued as Sepracor, Inc.)
6

7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF SAN DIEGO-CENTRAL**

10

11 AMY SHERLOCK, an individual

12 Plaintiff,

13 vs.

14 SEPRACOR, INC.; and DOES 1 through
50, inclusive,

15 Defendant.

16 Case No. 37-2008-00081814-CU-WT-CTL

17 *Unlimited Jurisdiction*

18

19 **DEFENDANT SEPRACOR INC.'S NOTICE
OF FILING PETITION FOR REMOVAL
TO FEDERAL COURT**

20

21 Complaint Filed: April 14, 2008

22 TO THE CLERK OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO:

23 PLEASE TAKE NOTICE THAT on May 14, 2008, pursuant to 28 U.S.C. §1446(d),
24 Defendant Sepracor Inc., by and through its attorneys, filed with the United States District Court
25 for the Southern District of California, its Notice of Removal of this action, a true and correct
26 copy of which is attached hereto as Exhibit A. Pursuant to 28 U.S.C. §1446(d), the filing of the
27 aforesaid Notice of Removal in the District Court, together with the filing of this Notice with this
28 Court, effects the removal of this action, and this Court may not proceed further with the above-

1 captioned litigation unless and until the case is remanded.

2

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4 FISHER & PHILLIPS LLP

5

DATED: May 14, 2008

6

7 By: Megan C. Winter
CHRISTOPHER C. HOFFMAN
MEGAN C. WINTER
Attorneys for Defendant
SEPRACOR INC.

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PROOF OF SERVICE
(C.C.P. § 1013(a) and § 2015.5)

3 STATE OF CALIFORNIA)
4 COUNTY OF SAN DIEGO)

I am employed in the County of San Diego, State of California. I am over the age of eighteen years and not a party to the within action. I am employed with the law offices of Fisher & Phillips LLP and my business address is 4225 Executive Square, Suite 950, La Jolla, California 92037.

On May 14, 2008, I caused the within document(s) entitled: **DEFENDANT SEPRACOR INC'S NOTICE OF FILING PETITION FOR REMOVAL TO FEDERAL COURT**; to be served on all interested parties in this action by placing [] the original / *[X] a true copy* thereof, in a sealed envelope addressed as follows:

Michael K. Newlee, Esq.
Law Office of Michael K. Newlee
3990 Old Town Avenue, Suite 200A
San Diego, CA 92110
619/291-2866 fax

Attorney for Plaintiff
Amy Sherlock

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STATE - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 14, 2008, at La Jolla, California.

Jolla, California.

Marcie Hawkins

1 Christopher C. Hoffman (CA Bar No.:176334)
 2 Megan C. Winter (CA Bar No.: 241429)
 3 FISHER & PHILLIPS LLP
 4 4225 Executive Square, Suite 950
 5 La Jolla, California 92037
 6 Telephone (858) 597-9600
 7 Facsimile (858) 597-9601

8 Attorney for Defendant
 9 Sepracor Inc. (erroneously sued as Sepracor, Inc.)
 10
 11

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN DIEGO – CENTRAL

14 AMY SHERLOCK, an individual,) Case No.: 37-2008-00081814-CU-WT-CTL
15 vs.))
16 SEPRACOR, INC., and DOES 1 to 50, inclusive,)) Assigned to:
17 Defendants.)) Dept.:
)) NOTICE TO ADVERSE PARTIES OF
)) REMOVAL TO FEDERAL COURT
))
)) COMPLAINT FILED: 4/14/08
))

18 TO PLAINTIFF AMY SHERLOCK:

19 PLEASE TAKE NOTICE THAT a Notice of Removal of this action was filed on May
 20 14, 2008, in the United States District Court for the Southern District of California. A copy of
 21 the said Notice of Removal is attached to this Notice as Exhibit "A", and is served and filed
 22 herewith.

23 FISHER & PHILLIPS LLP

24 Dated: May 14, 2008
 25 By: 
 26 CHRISTOPHER C. HOFFMAN
 27 MEGAN C. WINTER
 28 Attorneys for Defendant
 SEPRACOR INC.

EXHIBIT E

PROOF OF SERVICE
(C.C.P. § 1013(a) and § 2015.5)

3 STATE OF CALIFORNIA)
4 COUNTY OF SAN DIEGO)

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7 On May 14, 2008, I caused the within document(s) entitled: **NOTICE TO ADVERSE**
8 **PARTIES OF REMOVAL TO FEDERAL COURT**; to be served on all interested parties in this
action by placing [] the original / *[X] a true copy* thereof, in a sealed envelope addressed as
follows:

9 Michael K. Newlee, Esq.
10 Law Office of Michael K. Newlee
11 3990 Old Town Avenue, Suite 200A
San Diego, CA 92110
619/291-2866 fax

Attorney for Plaintiff
Amy Sherlock

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14 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
15 Service on that same day with postage thereon fully prepaid at La Jolla, California in the
ordinary course of business. I am aware that on motion of the party served, service is
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[] **BY PERSONAL SERVICE** - Such envelope(s) were delivered by hand to the individuals listed above.

22 [X] **STATE** - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 14, 2008, at La Jolla, California.

Dalla, California.

Marcie Hawkins

PROOF OF SERVICE
(C.C.P. § 1013(a) and § 2015.5)

3 STATE OF CALIFORNIA)
4 COUNTY OF SAN DIEGO)

5 I am employed in the County of San Diego, State of California. I am over the age of eighteen
years and not a party to the within action. I am employed with the law offices of Fisher & Phillips
6 LLP and my business address is 4225 Executive Square, Suite 950, La Jolla, California 92037.

On May 14, 2008, I caused the within document(s) entitled: **DEFENDANT SEPRACOR INC.'S NOTICE OF REMOVAL OF ACTION TO THE UNITED STATES DISTRICT COURT OF THE SOUTHERN DISTRICT OF CALIFORNIA**; to be served on all interested parties in this action by placing [] the original / *a true copy* thereof, in a sealed envelope addressed as follows:

10 Michael K. Newlee, Esq.
Law Office of Michael K. Newlee
11 3990 Old Town Avenue, Suite 200A
San Diego, CA 92110
12 619/291-2866 fax

Attorney for Plaintiff
Amy Sherlock

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[X] **STATE** - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 14, 2008, at La Jolla, California.

olla, California.

Marcie Hawkins

**UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

150903 — MB

**May 14, 2008
15:57:10**

Civ Fil Non-Pris
USAO #: 08CV0865 CIVIL FILING
Judge.: WILLIAM Q HAYES
Amount.: \$350.00 CK
Check#: BC510

Total-> \$350.00

FROM: AMY SHERLOCK VS SEPRACOR INC

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

AMY SHERLOCK

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Michael K. Newlee, 3990 Old Town Ave. Ste 200A, San Diego, CA 92110

DEFENDANTS

SEPRACOR INC

FILED
08 MAY 14 PM 3:54

County of Residence of First Listed Defendant

5001 SAN U.S. PLAINTIFF CASES ONLY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

'08 CV 0865 WQH LSP

Christopher C. Hoffman, Megan C. Winter, Fisher & Phillips,
4225 Executive Sq. Ste 950, La Jolla, CA 92037**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	Citizen of Another State	PTF	DEF
<input checked="" type="checkbox"/>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4
<input type="checkbox"/>			<input type="checkbox"/>	2	<input checked="" type="checkbox"/>
<input type="checkbox"/>			<input type="checkbox"/>	3	<input type="checkbox"/>

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other	<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> LABOR	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 220 Foreclosure	<input checked="" type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 790 Other Labor Litigation	FEDERAL TAX SUITS	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> IMMIGRATION	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 462 Naturalization Application		
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. section 1332Brief description of cause:
Alleged wrongful termination in violation of public policy.**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5/14/2008

SIGNATURE OF ATTORNEY OF RECORD

Megane. Winter

FOR OFFICE USE ONLY

RECEIPT # 158903AMOUNT \$350 -

APPLYING IFFP

JUDGE

MAG. JUDGE

05/14/08 TB